

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

AMIDA CAPITAL MANAGEMENT II, LLC,
Plaintiff,

SUMMONS IN A CIVIL ACTION

V.
CERBERUS CAPITAL MANAGEMENT, L.P.
Defendant.

CASE NUMBER

08 CV 5516

JUDGE GEDANKBAUM

TO: (Name and address of Defendant)

CERBERUS CAPITAL MANAGEMENT, L.P.
Cerberus Capital Management, L.P.
299 Park Avenue
New York, NY 10171

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP
SAMUEL H. RUDMAN
ROBERT M. ROTHMAN
58 South Service Road, Suite 200
Melville, NY 11747
Telephone: 631/367-7100

an answer to the complaint which is served on you with this summons, within (20) TWENTY days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

JUN 18 2008

J. MICHAEL McMAHON

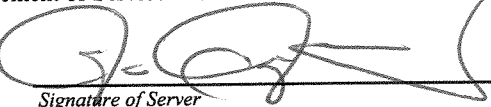
CLERK

Catherine Lapley

(By) DEPUTY CLERK

DATE

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RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	6-26-08 @ 2:30pm
NAME OF SERVER (PRINT) DANIEL DiCARLO	TITLE	Process Server
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: 299 Park Ave., NY NY lobby served: Elizabeth McMahon - Assistant to General Counsel		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>6-23-08</u> Date</p> <p style="text-align: center;">  Signature of Server </p> <p style="text-align: center;"> LOWER LEVEL 858 MERRICK AVE. EAST MEADOW, N.Y. 11554 </p> <p style="text-align: center;">_____ Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.